

# Senate Amendment 3324

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1 1 Amend the Senate amendment, H=1702, to House File  
1 2 825, as amended, passed, and reprinted by the House,  
1 3 as follows:  
1 4 #1. By striking page 1, line 3, through page 20,  
1 5 line 44, and inserting the following:  
1 6 <#\_\_\_\_. Page 1, line 23, by striking the figure  
1 7 <2,791,522> and inserting the following: <2,792,116>.  
1 8 #strike>\_\_\_\_. By striking page 1, line 34, through page 2,  
1 9 line 1, and inserting the following:  
1 10 <2. Of the funds appropriated in this section,  
1 11 \$174,198 shall be>.  
1 12 #strike>\_\_\_\_. Page 2, line 17, by striking the figure  
1 13 <1,258,710> and inserting the following: <1,759,020>.  
1 14 #strike>\_\_\_\_. Page 2, by inserting after line 24, the  
1 15 following:  
1 16 <Of the moneys appropriated in this subsection,  
1 17 \$30,310 shall be used to continue to provide funding  
1 18 to local communities that have previously received  
1 19 funding from the centers for disease control and  
1 20 prevention of the United States department of health  
1 21 and human services for secondhand smoke education  
1 22 initiatives.>  
1 23 #strike>\_\_\_\_. By striking page 3, line 30, through page 4,  
1 24 line 1, and inserting the following:  
1 25 <The amount appropriated in this subsection  
1 26 includes \$150,000 in additional funding for childhood  
1 27 lead poisoning prevention activities for counties not  
1 28 receiving federal funding for this purpose, and of  
1 29 this amount, \$50,000 is allocated for a pilot project  
1 30 to address lead poisoning prevention and remediation  
1 31 activities in a three-county program in north central  
1 32 Iowa with a combined population of at least 50,000.>  
1 33 #strike>\_\_\_\_. Page 4, line 13, by striking the figure  
1 34 <1,044,151> and inserting the following: <1,379,258>.  
1 35 #strike>\_\_\_\_. Page 4, line 16, by striking the figure  
1 36 <335,107> and inserting the following: <670,214>.  
1 37 #strike>\_\_\_\_. Page 4, line 18, by inserting after the  
1 38 figure <135.106.> the following: <The department  
1 39 shall transfer the funding allocated for the HOPES=HFI  
1 40 program to the Iowa empowerment board for distribution  
1 41 and shall assist the board in managing the contracting  
1 42 for the funding. The funding shall be distributed to  
1 43 renew the grants that were provided to the grantees  
1 44 that operated the program during the fiscal year  
1 45 ending June 30, 2005.>  
1 46 #strike>\_\_\_\_. Page 4, line 26, by striking the figure  
1 47 <6,820,423> and inserting the following: <6,964,033>.  
1 48 #strike>\_\_\_\_. Page 4, by inserting after line 27, the  
1 49 following:  
1 50 <The office of the state medical examiner and the  
2 1 commissioner of public safety shall give consideration  
2 2 to a proposal offered by Polk county for the state  
2 3 criminalistics laboratory to share facilities with  
2 4 Polk county.>  
2 5 #strike>\_\_\_\_. Page 4, line 32, by striking the figure  
2 6 <994,442> and inserting the following: <1,073,884>.  
2 7 #strike>\_\_\_\_. Page 4, by inserting after line 33, the  
2 8 following:  
2 9 <11B. IOWA COLLABORATIVE SAFETY NET PROVIDER  
2 10 NETWORK  
2 11 The purpose of this subsection is to create a  
2 12 formal network of safety net providers to do all of  
2 13 the following: preserve and expand the health care  
2 14 safety net for vulnerable Iowans; emphasize preventive  
2 15 services and disease management, reduction of errors,  
2 16 continuity of care, and the medical home concept;  
2 17 recognize that safety net providers are the primary  
2 18 means of access to health care for the uninsured in  
2 19 this state; and provide a mechanism to identify the  
2 20 extent to which the uninsured in this state access  
2 21 health care safety net providers. Of the amount  
2 22 appropriated in this division of this Act for the  
2 23 medical assistance program, \$1,100,000 is transferred  
2 24 to the appropriations made in this subsection. The

2 25 amount transferred is allocated as follows:  
 2 26 a. To contract for a program to develop an Iowa  
 2 27 collaborative safety net provider network:  
 2 28 ..... \$ 450,000  
 2 29 (1) The Iowa department of public health shall  
 2 30 issue a request for proposals to select the most  
 2 31 qualified applicant to develop and administer an Iowa  
 2 32 collaborative safety net provider network that  
 2 33 includes community health centers, rural health  
 2 34 clinics, free clinics, and other safety net providers.  
 2 35 The department shall coordinate conditions of the  
 2 36 request for proposals with the data and information  
 2 37 requirements of the task force on indigent care  
 2 38 created pursuant to section 249J.14A, as enacted by  
 2 39 2005 Iowa Acts, House File 841, section 16. The  
 2 40 request for proposals shall also require the person  
 2 41 awarded the contract to enroll as a member of the task  
 2 42 force on indigent care. The person awarded the  
 2 43 contract shall do all of the following:  
 2 44 (a) Establish an Iowa safety net provider advisory  
 2 45 group consisting of representatives of community  
 2 46 health centers, rural health clinics, free clinics,  
 2 47 other safety net providers, patients, and other  
 2 48 interested parties.  
 2 49 (b) Develop a planning process to logically and  
 2 50 systematically implement the Iowa collaborative safety  
 3 1 net provider network.  
 3 2 (c) In cooperation with the free clinics of Iowa  
 3 3 and individual free clinics, the Iowa association of  
 3 4 rural health clinics, and the Iowa/Nebraska primary  
 3 5 care association, develop a database of all community  
 3 6 health centers, rural health clinics, free clinics,  
 3 7 and other safety net providers. The data collected  
 3 8 shall include the demographics and needs of the  
 3 9 vulnerable populations served, current provider  
 3 10 capacity, and the resources and needs of the  
 3 11 participating safety net providers.  
 3 12 (d) Develop network initiatives for collaboration  
 3 13 between community health centers, rural health  
 3 14 clinics, free clinics, other safety net providers, and  
 3 15 other health care providers to, at a minimum, improve  
 3 16 quality, improve efficiency, reduce errors, and  
 3 17 provide clinical communication between providers. The  
 3 18 network initiatives shall include, but are not limited  
 3 19 to, activities that address all of the following:  
 3 20 (i) Training.  
 3 21 (ii) Information technology.  
 3 22 (iii) Financial resource development.  
 3 23 (iv) A referral system for ambulatory care.  
 3 24 (v) A referral system for specialty care.  
 3 25 (vi) Pharmaceuticals.  
 3 26 (vii) Recruitment of health professionals.  
 3 27 (2) The Iowa department of public health shall  
 3 28 issue a request for proposals to provide for an  
 3 29 evaluation of the performance of the Iowa  
 3 30 collaborative safety net provider network and its  
 3 31 impact on the medically underserved.  
 3 32 b. For an incubation grant program to community  
 3 33 health centers that receive a total score of 85 based  
 3 34 on the evaluation criteria of the health resources and  
 3 35 services administration of the United States  
 3 36 department of health and human services:  
 3 37 ..... \$ 650,000  
 3 38 The Iowa department of public health shall select  
 3 39 qualified applicants eligible under this lettered  
 3 40 paragraph, and shall approve grants in prorated  
 3 41 amounts to all such selected qualified applicants  
 3 42 based on the total amount of funding appropriated. A  
 3 43 grantee shall meet all federal requirements for a  
 3 44 federally qualified health center, including  
 3 45 demonstrating a commitment to serve all populations in  
 3 46 the grantee's respective medically underserved  
 3 47 community and satisfying the administrative,  
 3 48 management, governance, service-related, utilization  
 3 49 of funding, and audit requirements unique to federally  
 3 50 qualified health centers as provided under section 330  
 4 1 of the federal Public Health Service Act, as amended,  
 4 2 and as codified at 42 U.S.C. } 254(b). A grant may be  
 4 3 approved for a two-year period. However, if a grantee  
 4 4 is approved as a federally qualified health center  
 4 5 during the grant period, the grant and accompanying

4 6 funding shall be terminated for the remainder of the  
4 7 grant period. If a grantee is not approved as a  
4 8 federally qualified health center during the grant  
4 9 period, the grantee may apply for a subsequent grant  
4 10 under this lettered paragraph on a competitive basis.  
4 11 A recipient of a grant under this lettered paragraph  
4 12 shall provide a local match of 25 percent of the grant  
4 13 funds received.>  
4 14 #strike>\_\_\_\_. Page 6, by striking line 28, and inserting  
4 15 the following: <Iowa commission on volunteer service  
4 16 created pursuant to chapter 15H to utilize local  
4 17 veterans affairs>.  
4 18 #strike>\_\_\_\_. Page 12, line 2, by striking the figure  
4 19 <40,250,000> and inserting the following:  
4 20 <40,439,695>.  
4 21 #strike>\_\_\_\_. Page 12, line 3, by inserting before the  
4 22 word <Of> the following: <1.>  
4 23 #strike>\_\_\_\_. Page 12, by inserting after line 4 the  
4 24 following:  
4 25 <2. Of the funds appropriated in this section,  
4 26 \$100,000 shall be used to provide a grant to an Iowa=  
4 27 based nonprofit organization with a history of  
4 28 providing tax preparation assistance to low=income  
4 29 Iowans in order to expand the usage of the earned  
4 30 income tax credit. The purpose of the grant is to  
4 31 supply this assistance to underserved areas of the  
4 32 state. The grant shall be provided to an organization  
4 33 that has existing national foundation support for  
4 34 supplying such assistance that can also secure local  
4 35 charitable match funding.>  
4 36 #strike>\_\_\_\_. Page 13, line 6, by striking the figure  
4 37 <524,800,000> and inserting the following:  
4 38 <519,040,317>.  
4 39 #strike>\_\_\_\_. Page 15, line 1, by striking the figure  
4 40 <3,270,082> and inserting the following: <3,050,082>.  
4 41 #strike>\_\_\_\_. Page 15, by striking lines 18 through 21.  
4 42 #strike>\_\_\_\_. Page 15, by striking lines 22 through 34.  
4 43 #strike>\_\_\_\_. By striking page 15, line 35, through page  
4 44 16, line 7.  
4 45 #strike>\_\_\_\_. Page 16, by inserting after line 28, the  
4 46 following:  
4 47 <\_\_\_\_. The department shall expand coverage under  
4 48 the medical assistance program to cover smoking  
4 49 cessation drugs.  
4 50 \_\_\_\_\_. The department shall expand coverage under  
5 1 the medical assistance program to cover weight  
5 2 reduction treatments and drugs.  
5 3 \_\_\_\_\_. The department shall adopt rules to require  
5 4 that if a product is to be considered by the  
5 5 pharmaceutical and therapeutics committee established  
5 6 pursuant to section 249A.20A for inclusion on the  
5 7 preferred drug list, the pharmaceutical and  
5 8 therapeutics committee shall respond to all inquiries  
5 9 regarding the process at least 72 hours prior to a  
5 10 meeting of the committee to consider inclusion of the  
5 11 product. Additionally, the rules shall require that  
5 12 the committee provide a pharmaceutical manufacturer of  
5 13 a product with 20 days' prior written notice of  
5 14 consideration of the manufacturer's product for  
5 15 inclusion on the preferred drug list to allow adequate  
5 16 time for preparation of appropriate materials to be  
5 17 submitted to the committee for review. The rules  
5 18 shall also require that adequate time be provided for  
5 19 each interested individual to address the committee  
5 20 regarding a product to be considered for inclusion on  
5 21 the preferred drug list by the committee. A final  
5 22 decision regarding inclusion of a product on the  
5 23 preferred drug list shall not be made in an executive  
5 24 session of the committee.>  
5 25 #strike>\_\_\_\_. Page 18, line 29, by striking the figure  
5 26 <8,350,752> and inserting the following: <15,800,752>.  
5 27 #strike>\_\_\_\_. Page 18, line 31, by striking the figure  
5 28 <7,325,228> and inserting the following: <14,375,228>.  
5 29 #strike>\_\_\_\_. Page 19, line 4, by inserting after the word  
5 30 <level.> the following: <The poverty level changes  
5 31 shall take effect September 1, 2005.>  
5 32 #strike>\_\_\_\_. Page 19, line 6, by striking the figure  
5 33 <500,000> and inserting the following: <900,000>.  
5 34 #strike>\_\_\_\_. Page 20, line 12, by striking the figure  
5 35 <6,201,283> and inserting the following: <6,226,283>.  
5 36 #strike>\_\_\_\_. Page 20, line 31, by striking the figure

5 37 <76,400,000> and inserting the following:  
5 38 <75,200,000>.  
5 39 ~~\_\_\_\_\_~~. Page 22, line 25, by striking the figure  
5 40 <2,000,000> and inserting the following: <2,500,000>.  
5 41 ~~\_\_\_\_\_~~. Page 25, line 12, by striking the figure  
5 42 <300,000> and inserting the following: <1,000,000>.  
5 43 ~~\_\_\_\_\_~~. Page 25, by inserting after line 26, the  
5 44 following:  
5 45 <\_\_\_\_\_. Of the amount appropriated in this section,  
5 46 the following amounts are allocated for the indicated  
5 47 child welfare system improvements:  
5 48 a. For family team meetings and other family  
5 49 engagement efforts:  
5 50 ..... \$ 900,000  
6 1 b. For recruiting, training, and development of  
6 2 additional resource families, including but not  
6 3 limited to families providing kinship, foster, and  
6 4 adoptive care:  
6 5 ..... \$ 325,000  
6 6 c. For field staff working with families to have  
6 7 flexible funding to purchase services and other  
6 8 support and to fill urgent family needs:  
6 9 ..... \$ 250,000  
6 10 d. For funding of shelter care so that 15  
6 11 emergency beds are available statewide for the fiscal  
6 12 year within the statewide average of 288 beds  
6 13 addressed in the department's shelter care plan:  
6 14 ..... \$ 200,000  
6 15 e. For expansion of community partnerships to  
6 16 prevent child abuse:  
6 17 ..... \$ 100,000>  
6 18 ~~\_\_\_\_\_~~. Page 25, by inserting after line 26, the  
6 19 following:  
6 20 <\_\_\_\_\_. The general assembly finds that it is  
6 21 important for adequate, comprehensive mental health  
6 22 services to be available to the children of this  
6 23 state; that Iowa is seeking to develop a coordinated  
6 24 system of mental health care for children through a  
6 25 redesign of the children's mental health system; that  
6 26 Iowa is one of only two states that have not  
6 27 participated in the comprehensive community mental  
6 28 health services program for children and their  
6 29 families grant offered by the substance abuse and  
6 30 mental health services administration (SAMHSA) of the  
6 31 United States department of health and human services;  
6 32 and that implementing such an initiative requires  
6 33 long-term sustainability and support. The general  
6 34 assembly expresses appreciation to the department for  
6 35 applying to SAMHSA for the comprehensive services  
6 36 program grant to implement a six-year project located  
6 37 in northeast Iowa. The purpose of the project is to  
6 38 create a family-driven, coordinated system of care for  
6 39 children with mental illness to serve as a model for  
6 40 developing a statewide approach based on family=  
6 41 provider partnerships and long-term sustainability.  
6 42 The general assembly strongly supports the grant  
6 43 application and implementation of the project as vital  
6 44 steps in redesigning the children's mental health  
6 45 system.  
6 46 \_\_\_\_\_. The department shall revise policies or  
6 47 administrative rules applicable when a breastfeeding  
6 48 infant is removed from the infant's home in accordance  
6 49 with chapter 232, to allow the infant's mother to  
6 50 continue to breastfeed the infant when such contact  
7 1 with the mother is in the best interest of the  
7 2 infant.>  
7 3 ~~\_\_\_\_\_~~. Page 27, by inserting after line 6, the  
7 4 following:  
7 5 <\_\_\_\_\_. For continuation of the department's  
7 6 minority youth and family projects under the redesign  
7 7 of the child welfare system:  
7 8 ..... \$ 375,000>  
7 9 ~~\_\_\_\_\_~~. Page 28, line 13, by striking the figure  
7 10 <13,074,889> and inserting the following:  
7 11 <13,079,889>.  
7 12 ~~\_\_\_\_\_~~. Page 28, line 25, by striking the figure  
7 13 <17,329,091> and inserting the following:  
7 14 <17,334,091>.  
7 15 ~~\_\_\_\_\_~~. Page 30, line 19, by striking the figure  
7 16 <10,514,619> and inserting the following:  
7 17 <10,914,619>.

7 18 ~~#strike>\_\_\_\_\_~~. Page 30, line 21, by striking the figure  
7 19 <500,000> and inserting the following: <100,000>.  
7 20 ~~#strike>\_\_\_\_\_~~. Page 32, by inserting after line 16, the  
7 21 following:  
7 22 <\_\_\_\_\_. If the department has data indicating that a  
7 23 geographic area has a substantial number of persons  
7 24 with mental illness who are homeless and are not being  
7 25 served by an existing grantee for that area under the  
7 26 formula grant from the federal alcohol, drug abuse,  
7 27 and mental health administration to provide mental  
7 28 health services for the homeless and the existing  
7 29 grantee has expressed a desire to no longer provide  
7 30 services or the grantee's contract was terminated by  
7 31 the department for nonperformance, the department  
7 32 shall issue a request for proposals to replace the  
7 33 grantee. Otherwise, the department shall maximize  
7 34 available funding by continuing to contract to the  
7 35 extent possible with those persons who are grantees as  
7 36 of October 1, 2005. The department shall issue a  
7 37 request for proposals if additional funding becomes  
7 38 available for expansion to persons who are not being  
7 39 served and it is not possible to utilize existing  
7 40 grantees.>  
7 41 ~~#strike>\_\_\_\_\_~~. Page 33, line 13, by striking the figure  
7 42 <53,505,000> and inserting the following:  
7 43 <53,790,628>.  
7 44 ~~#strike>\_\_\_\_\_~~. Page 33, line 25, by striking the figure  
7 45 <13,312,196> and inserting the following:  
7 46 <13,342,196>.  
7 47 ~~#strike>\_\_\_\_\_~~. Page 33, line 26, by striking the figure  
7 48 <292.00> and inserting the following: <293.00>.  
7 49 ~~#strike>\_\_\_\_\_~~. Page 33, by inserting after line 29, the  
7 50 following:  
8 1 <Of the funds appropriated in this section, \$30,000  
8 2 is allocated to the department of human services for a  
8 3 statewide coordinator for the program of all-inclusive  
8 4 care for the elderly as defined in section 249H.3.  
8 5 The coordinator shall work in collaboration with the  
8 6 department of elder affairs in carrying out the  
8 7 coordinator's duties.>  
8 8 ~~#strike>\_\_\_\_\_~~. Page 35, line 2, by striking the word <be>  
8 9 and inserting the following: <not be less than>.  
8 10 ~~#strike>\_\_\_\_\_~~. Page 36, by striking lines 16 and 17, and  
8 11 inserting the following: <children shall be \$156.03  
8 12 per day.>  
8 13 ~~#strike>\_\_\_\_\_~~. By striking page 36, line 33, through page  
8 14 37, line 5.  
8 15 ~~#strike>\_\_\_\_\_~~. Page 39, by striking line 19, and inserting  
8 16 the following:  
8 17 <11. Beginning on September 1, 2005, for child>.  
8 18 ~~#strike>\_\_\_\_\_~~. Page 39, line 23, by striking the figure  
8 19 <1998> and inserting the following: <2002>.  
8 20 ~~#strike>\_\_\_\_\_~~. Page 40, by striking lines 2 through 6.  
8 21 ~~#strike>\_\_\_\_\_~~. Page 40, by inserting after line 8, the  
8 22 following:  
8 23 <Sec. \_\_\_\_\_. SHELTER CARE REQUEST FOR PROPOSALS.  
8 24 The department of human services shall amend the  
8 25 request for proposals issued on April 15, 2005, for a  
8 26 program to provide for the statewide availability of  
8 27 emergency juvenile shelter care during the fiscal year  
8 28 beginning July 1, 2005, to increase the statewide  
8 29 daily average number of beds covered under the request  
8 30 to 288 beds in order to include 15 unallocated beds  
8 31 statewide for emergency placements. However, if the  
8 32 date of enactment of this Act does not allow  
8 33 sufficient time for the department to amend the  
8 34 request for proposals as otherwise required by this  
8 35 section, the department shall apply the requirement in  
8 36 the negotiations with the program awarded the contract  
8 37 and shall include the requirement in the final  
8 38 contract.>  
8 39 ~~#strike>\_\_\_\_\_~~. Page 41, by inserting after line 25, the  
8 40 following:  
8 41 <Sec. \_\_\_\_\_. 2003 Iowa Acts, chapter 178, section  
8 42 45, unnumbered paragraph 3, as enacted by 2004 Iowa  
8 43 Acts, chapter 1175, section 160, is amended to read as  
8 44 follows:  
8 45 Notwithstanding section 8.33, moneys appropriated  
8 46 in this section that remain unencumbered or  
8 47 unobligated at the close of the fiscal year shall not  
8 48 revert but shall remain available for expenditure for



8 49 the child and family services until the close of the  
8 50 ~~succeeding~~ fiscal year beginning July 1, 2005.>  
9 1 ~~#strike>~~\_\_\_\_. Page 43, by inserting after line 17 the  
9 2 following:  
9 3 <Sec. \_\_\_\_\_. INDIGENT PATIENT PROGRAM. If the  
9 4 Eighty-first General Assembly, 2005 Regular Session,  
9 5 enacts legislation subsequent to the enactment of 2005  
9 6 Iowa Acts, House File 841, relating to the medical and  
9 7 surgical treatment of indigent patients as provided in  
9 8 chapter 255 that is in conflict with the provisions of  
9 9 2005 Iowa Acts, House File 841, including provisions  
9 10 relating to the quota under chapter 255, the  
9 11 provisions of 2005 Iowa Acts, House File 841, shall  
9 12 prevail.>  
9 13 ~~#strike>~~\_\_\_\_. Page 43, by inserting after line 29, the  
9 14 following:  
9 15 <\_\_\_\_. The provision directing the department of  
9 16 human services to amend the request for proposals  
9 17 issued on April 15, 2005, to provide for statewide  
9 18 emergency juvenile shelter care.  
9 19 \_\_\_\_\_. The provision amending 2003 Iowa Acts,  
9 20 chapter 178, section 45, unnumbered paragraph 3, as  
9 21 enacted by 2004 Iowa Acts, chapter 1175, section 160.>  
9 22 ~~#strike>~~\_\_\_\_. Page 45, line 15, by striking the figure  
9 23 <50,200,000> and inserting the following:  
9 24 <59,647,109>.  
9 25 ~~#strike>~~\_\_\_\_. Page 46, by striking lines 23 and 24, and  
9 26 inserting the following: <to only those persons who  
9 27 meet the nursing facility level of care for home and  
9 28 community-based services waiver services as  
9 29 established on or after July 1, 2005.>  
9 30 ~~#strike>~~\_\_\_\_. Page 47, by inserting after line 27, the  
9 31 following:  
9 32 <Sec. \_\_\_\_\_. 2004 Iowa Acts, chapter 1175, section  
9 33 173, subsection 1, is amended by adding the following  
9 34 new unnumbered paragraph:  
9 35 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
9 36 8.33 and section 426B.5, subsection 1, paragraph "d",  
9 37 moneys appropriated in this subsection that remain  
9 38 unencumbered or unobligated at the close of the fiscal  
9 39 year shall not revert but shall remain available for  
9 40 expenditure for the purposes designated until the  
9 41 close of the succeeding fiscal year.>  
9 42 ~~#strike>~~\_\_\_\_. Page 48, line 17, by striking the figure  
9 43 <14,507,362> and inserting the following:  
9 44 <23,925,724>.  
9 45 ~~#strike>~~\_\_\_\_. Page 49, by striking lines 4 through 16, and  
9 46 inserting the following:  
9 47 <a. For an ending balance percentage of less than  
9 48 5 percent, a withholding factor of 0 percent. In  
9 49 addition, a county that is subject to this lettered  
9 50 paragraph shall receive an inflation adjustment equal  
10 1 to 3 percent of the gross expenditures reported for  
10 2 the county's services fund for the fiscal year.  
10 3 b. For an ending balance percentage of 5 or more  
10 4 but less than 10 percent, a withholding factor of 0  
10 5 percent. In addition, a county that is subject to this  
10 6 lettered paragraph shall receive an inflation  
10 7 adjustment equal to 2 percent of the gross  
10 8 expenditures reported for the county's services fund  
10 9 for the fiscal year.  
10 10 c. For an ending balance percentage of 10 or more  
10 11 but less than 25 percent, a withholding factor of 25  
10 12 percent.  
10 13 d. For an ending balance percentage of 25 percent  
10 14 or more, a withholding percentage of 100 percent.>  
10 15 ~~#strike>~~\_\_\_\_. Page 49, line 19, by striking the figure  
10 16 <4,659,749> and inserting the following: <9,418,362>.  
10 17 ~~#strike>~~\_\_\_\_. Page 49, by inserting after line 30, the  
10 18 following:  
10 19 <NEW SUBSECTION. 6. a. In addition to the amount  
10 20 to be distributed under subsection 4, for the fiscal  
10 21 year beginning July 1, 2005, a county with an ending  
10 22 balance percentage under subsection 4 of less than  
10 23 zero shall receive a distribution from the sum of the  
10 24 following:  
10 25 (1) The amounts appropriated in 2004 Iowa Acts,  
10 26 chapter 1175, section 132 and section 173, subsection  
10 27 1, that were not distributed and did not revert at the  
10 28 close of the fiscal year beginning July 1, 2004.  
10 29 (2) The amounts appropriated for the fiscal year

10 30 beginning July 1, 2005, for the mental health and  
10 31 developmental disabilities community services fund and  
10 32 in this section that were not distributed in  
10 33 accordance with subsections 3, 4, and 5.

10 34 b. The amount of a county's distribution under  
10 35 paragraph "a" shall be equal to the county's  
10 36 proportion of the general population of the counties  
10 37 eligible to receive a distribution under this  
10 38 subsection.

10 39 c. The distribution amount determined under this  
10 40 subsection shall be included in the county's allowed  
10 41 growth payment determined in accordance with  
10 42 subsections 3, 4, and 5.

10 43 Sec. \_\_\_\_\_. EFFECTIVE DATE. The section of this  
10 44 division of this Act amending 2004 Iowa Acts, chapter  
10 45 1175, section 173, subsection 1, being deemed of  
10 46 immediate importance, takes effect upon enactment.>  
10 47 ~~#strike>\_\_\_\_\_~~. Page 49, by inserting after line 32, the  
10 48 following:

10 49 <Sec. \_\_\_\_\_. Section 15H.3, subsection 5, as enacted  
10 50 by 2005 Iowa Acts, House File 478, section 3, is  
11 1 amended to read as follows:

11 2 5. Members shall serve staggered terms of three  
11 3 years beginning ~~and ending as provided by section~~  
~~11 4 69.19 July 1~~. Members of the commission shall serve  
11 5 no more than two three-year terms. Any vacancy shall  
11 6 be filled in the same manner as the original  
11 7 appointment.

11 8 Sec. \_\_\_\_\_. NEW SECTION. 16.184 TRANSITIONAL  
11 9 HOUSING REVOLVING LOAN PROGRAM FUND.

11 10 1. A transitional housing revolving loan program  
11 11 fund is created within the authority to further the  
11 12 availability of affordable housing for parents that  
11 13 are reuniting with their children while completing or  
11 14 participating in substance abuse treatment. The  
11 15 moneys in the fund are annually appropriated to the  
11 16 authority to be used for the development and operation  
11 17 of a revolving loan program to provide financing to  
11 18 construct affordable transitional housing, including  
11 19 through new construction or acquisition and  
11 20 rehabilitation of existing housing. The housing  
11 21 provided shall be geographically located in close  
11 22 proximity to licensed substance abuse treatment  
11 23 programs. Preference in funding shall be given to  
11 24 projects that reunite mothers with the mothers'  
11 25 children.

11 26 2. Moneys transferred by the authority for deposit  
11 27 in the transitional housing revolving loan program  
11 28 fund, moneys appropriated to the transitional housing  
11 29 revolving loan program, and any other moneys available  
11 30 to and obtained or accepted by the authority for  
11 31 placement in the fund shall be deposited in the fund.  
11 32 Additionally, payment of interest, recaptures of  
11 33 awards, and other repayments to the transitional  
11 34 housing revolving loan program fund shall be credited  
11 35 to the fund. Notwithstanding section 12C.7,  
11 36 subsection 2, interest or earnings on moneys in the  
11 37 transitional housing revolving loan program fund shall  
11 38 be credited to the fund. Notwithstanding section  
11 39 8.33, moneys that remain unencumbered or unobligated  
11 40 at the close of the fiscal year shall not revert but  
11 41 shall remain available for the same purpose in the  
11 42 succeeding fiscal year.

11 43 3. The authority shall annually allocate moneys  
11 44 available in the transitional housing revolving loan  
11 45 program fund for the development of affordable  
11 46 transitional housing for parents that are reuniting  
11 47 with the parents' children while completing or  
11 48 participating in substance abuse treatment. The  
11 49 authority shall develop a joint application process  
11 50 for the allocation of federal low-income housing tax  
12 1 credits and the funds available under this section.  
12 2 Moneys allocated to such projects may be in the form  
12 3 of loans, grants, or a combination of loans and  
12 4 grants.

12 5 4. The authority shall adopt rules pursuant to  
12 6 chapter 17A to administer this section.>  
12 7 ~~#strike>\_\_\_\_\_~~. Page 68, by inserting after line 32, the  
12 8 following:

12 9 <Sec. \_\_\_\_\_. Section 154A.22, Code 2005, is amended  
12 10 to read as follows:

12 11 154A.22 ~~DEPOSIT RECEIPT OF FEES.~~  
12 12 1. ~~The~~ Except as otherwise provided in subsection  
12 13 2, the department shall deposit all fees collected  
12 14 under the provisions of this chapter in the general  
12 15 fund of the state. Compensation and travel expenses  
12 16 of members and employees of the board, and other  
12 17 expenses necessary for the board to administer and  
12 18 carry out the provisions of this chapter shall be paid  
12 19 from funds appropriated from the general fund of the  
12 20 state.  
12 21 2. The department may retain ninety percent of the  
12 22 revenue generated from an increase in licensure and  
12 23 permit fees established pursuant to section 154A.17  
12 24 above the licensure and permit fees in effect as of  
12 25 June 30, 2005. The moneys retained by the department  
12 26 shall be used for any of the board's duties, including  
12 27 but not limited to addition of full-time equivalent  
12 28 positions for program services and investigations.  
12 29 Revenues retained by the department pursuant to this  
12 30 subsection shall be considered repayment receipts as  
12 31 defined in section 8.2.  
12 32 Sec. \_\_\_\_\_. Section 155.6, Code 2005, is amended to  
12 33 read as follows:  
12 34 155.6 ~~FUND CREATED RECEIPT OF FEES.~~  
12 35 1. ~~All~~ Except as otherwise provided in subsection  
12 36 2, all fees collected under the provisions of this  
12 37 chapter shall be paid to the treasurer of state who  
12 38 shall deposit the fees in the general fund of the  
12 39 state. Funds shall be appropriated to the board to be  
12 40 used and expended by the board to pay the compensation  
12 41 and travel expenses of members and employees of the  
12 42 board, and other expenses necessary for the board to  
12 43 administer and carry out the provisions of this  
12 44 chapter.  
12 45 2. The board may retain ninety percent of the  
12 46 revenue generated from an increase in examination,  
12 47 licensure, and renewal of licensure fees established  
12 48 pursuant to section 155.15 above the examination,  
12 49 licensure, and renewal of licensure fees in effect as  
12 50 of June 30, 2005. The moneys retained by the board  
13 1 shall be used for any of the board's duties, including  
13 2 but not limited to addition of full-time equivalent  
13 3 positions for program services and investigations.  
13 4 Revenues retained by the department pursuant to this  
13 5 subsection shall be considered repayment receipts as  
13 6 defined in section 8.2.>  
13 7 #strike>\_\_\_\_. Page 73, by inserting after line 33, the  
13 8 following:  
13 9 <Sec. \_\_\_\_\_. Section 227.4, Code 2005, is amended to  
13 10 read as follows:  
13 11 227.4 STANDARDS FOR CARE OF PERSONS WITH MENTAL  
13 12 ILLNESS OR ~~DEVELOPMENTAL DISABILITIES~~ MENTAL  
13 13 RETARDATION IN COUNTY CARE FACILITIES.  
13 14 The administrator, in cooperation with the  
13 15 department of inspections and appeals, shall recommend  
13 16 and the mental health, mental retardation,  
13 17 developmental disabilities, and brain injury  
13 18 commission created in section 225C.5 shall adopt  
13 19 standards for the care of and services to persons with  
13 20 mental illness or ~~developmental disabilities~~ mental  
13 21 retardation residing in county care facilities. The  
13 22 standards shall be enforced by the department of  
13 23 inspections and appeals as a part of the licensure  
13 24 inspection conducted pursuant to chapter 135C. The  
13 25 objective of the standards is to ensure that persons  
13 26 with mental illness or ~~developmental disabilities~~  
13 27 mental retardation who are residents of county care  
13 28 facilities are not only adequately fed, clothed, and  
13 29 housed, but are also offered reasonable opportunities  
13 30 for productive work and recreational activities suited  
13 31 to their physical and mental abilities and offering  
13 32 both a constructive outlet for their energies and, if  
13 33 possible, therapeutic benefit. When recommending  
13 34 standards under this section, the administrator shall  
13 35 designate an advisory committee representing  
13 36 administrators of county care facilities, county  
13 37 mental health and developmental disabilities regional  
13 38 planning councils, and county care facility resident  
13 39 advocate committees to assist in the establishment of  
13 40 standards.>  
13 41 #strike>\_\_\_\_. Page 83, by inserting after line 2, the



13 42 following:  
13 43 <Sec. \_\_\_\_\_. Section 249J.8, subsection 4, as  
13 44 enacted by 2005 Iowa Acts, House File 841, section 8,  
13 45 is amended to read as follows:  
13 46 4. The department shall track the impact of the  
13 47 out-of-pocket expenditures on patient expansion  
13 48 population enrollment and shall report the findings on  
13 49 at least a quarterly basis to the medical assistance  
13 50 projections and assessment council established  
14 1 pursuant to section 249J.19. The findings shall  
14 2 include estimates of the number of expansion  
14 3 population members complying with payment of required  
14 4 out-of-pocket expenditures, the number of expansion  
14 5 population members not complying with payment of  
14 6 required out-of-pocket expenditures and the reasons  
14 7 for noncompliance, any impact as a result of the out-  
14 8 of-pocket requirements on the provision of services to  
14 9 the populations previously served, the administrative  
14 10 time and cost associated with administering the  
14 11 out-of-pocket requirements, and the benefit to the  
14 12 state resulting from the out-of-pocket expenditures.  
14 13 To the extent possible, the department shall track the  
14 14 income level of the member, the health condition of  
14 15 the member, and the family status of the member  
14 16 relative to the out-of-pocket information.>  
14 17 #strike>\_\_\_\_. Page 86, by striking lines 11 and 12, and  
14 18 inserting the following:  
14 19 <Sec. \_\_\_\_\_. EFFECTIVE DATES.  
14 20 1. The amendment in this division of this Act to>.  
14 21 #strike>\_\_\_\_. Page 86, by inserting after line 13, the  
14 22 following:  
14 23 <2. The amendment in this division of this Act to  
14 24 section 15H.3, subsection 5, being deemed of immediate  
14 25 importance, takes effect upon enactment and is  
14 26 retroactively applicable to April 19, 2005.>  
14 27 #strike>\_\_\_\_. Page 86, by inserting after line 13, the  
14 28 following:  
14 29 <DIVISION \_\_\_\_  
14 30 SUBSTITUTE DECISION MAKER ACT  
14 31 Sec. \_\_\_\_\_. NEW SECTION. 231E.1 TITLE.  
14 32 This chapter shall be known and may be cited as the  
14 33 "Iowa Substitute Decision Maker Act".  
14 34 Sec. \_\_\_\_\_. NEW SECTION. 231E.2 OFFICE OF  
14 35 SUBSTITUTE DECISION MAKER == FINDINGS AND INTENT.  
14 36 1. a. The general assembly finds that many adults  
14 37 in this state are unable to meet essential  
14 38 requirements to maintain their physical health or to  
14 39 manage essential aspects of their financial resources  
14 40 and are in need of substitute decision-making  
14 41 services. However, a willing and responsible person  
14 42 may not be available to serve as a private substitute  
14 43 decision maker or the adult may not have adequate  
14 44 income or resources to compensate a private substitute  
14 45 decision maker.  
14 46 b. The general assembly further finds that a  
14 47 process should exist to assist individuals in finding  
14 48 alternatives to substitute decision-making services  
14 49 and less intrusive means of assistance before an  
14 50 individual's independence or rights are limited.  
15 1 c. The general assembly further finds that a  
15 2 substitute decision maker may be necessary to finalize  
15 3 a person's affairs after death when there is no  
15 4 willing and appropriate person available to serve as  
15 5 the person's personal representative.  
15 6 2. a. It is, therefore, the intent of the general  
15 7 assembly to establish a state office of substitute  
15 8 decision maker and authorize the establishment of  
15 9 local offices of substitute decision maker to provide  
15 10 substitute decision-making services to adults and  
15 11 their estates after their deaths, when no private  
15 12 substitute decision maker is available.  
15 13 b. It is also the intent of the general assembly  
15 14 that the office of substitute decision maker provide  
15 15 assistance to both public and private substitute  
15 16 decision makers throughout the state in securing  
15 17 necessary services for their wards, principals,  
15 18 clients, and decedents and to assist substitute  
15 19 decision makers, wards, principals, clients, courts,  
15 20 and attorneys in the orderly and expeditious handling  
15 21 of substitute decision-making proceedings.  
15 22 Sec. \_\_\_\_\_. NEW SECTION. 231E.3 DEFINITIONS.

15 23 As used in this chapter, unless the context  
15 24 otherwise requires:

- 15 25 1. "Client" means an individual for whom a  
15 26 representative payee is appointed.
- 15 27 2. "Commission" means the commission of elder  
15 28 affairs.
- 15 29 3. "Conservator" means conservator as defined in  
15 30 section 633.3.
- 15 31 4. "Court" means court as defined in section  
15 32 633.3.
- 15 33 5. "Decedent" means the individual for whom an  
15 34 estate is administered or executed.
- 15 35 6. "Department" means the department of elder  
15 36 affairs established in section 231.21.
- 15 37 7. "Director" means the director of the department  
15 38 of elder affairs.
- 15 39 8. "Estate" means estate as defined in section  
15 40 633.3.
- 15 41 9. "Guardian" means guardian as defined in section  
15 42 633.3.
- 15 43 10. "Incompetent" means incompetent as defined in  
15 44 section 633.3.
- 15 45 11. "Local office" means a local office of  
15 46 substitute decision maker.
- 15 47 12. "Local substitute decision maker" means an  
15 48 individual under contract with the department to act  
15 49 as a substitute decision maker.
- 15 50 13. "Personal representative" means personal  
16 1 representative as defined in section 633.3.
- 16 2 14. "Planning and service area" means a geographic  
16 3 area of the state designated by the commission for the  
16 4 purpose of planning, developing, delivering, and  
16 5 administering services for elders.
- 16 6 15. "Power of attorney" means a durable power of  
16 7 attorney for health care as defined in section 144B.1  
16 8 or a power of attorney that becomes effective upon the  
16 9 disability of the principal as described in section  
16 10 633.705.
- 16 11 16. "Principal" means an individual for whom a  
16 12 power of attorney is established.
- 16 13 17. "Representative payee" means an individual  
16 14 appointed by a government entity to receive funds on  
16 15 behalf of a client pursuant to federal regulation.
- 16 16 18. "State agency" means any executive department,  
16 17 commission, board, institution, division, bureau,  
16 18 office, agency, or other executive entity of state  
16 19 government.
- 16 20 19. "State office" means the state office of  
16 21 substitute decision maker.
- 16 22 20. "State substitute decision maker" means the  
16 23 administrator of the state office of substitute  
16 24 decision maker.
- 16 25 21. "Substitute decision maker" means a guardian,  
16 26 conservator, representative payee, attorney in fact  
16 27 under a power of attorney, or personal representative.
- 16 28 22. "Substitute decision making" or "substitute  
16 29 decision-making services" means the provision of  
16 30 services of a guardian, conservator, representative  
16 31 payee, attorney in fact under a power of attorney, or  
16 32 personal representative.
- 16 33 23. "Ward" means the individual for whom a  
16 34 guardianship or conservatorship is established.

16 35 Sec. \_\_\_\_ NEW SECTION. 231E.4 STATE OFFICE OF  
16 36 SUBSTITUTE DECISION MAKER == ESTABLISHED == DUTIES ==  
16 37 DEPARTMENT RULES.

- 16 38 1. A state office of substitute decision maker is  
16 39 established within the department to create and  
16 40 administer a statewide network of substitute decision  
16 41 makers who provide substitute decision-making services  
16 42 if other substitute decision makers are not available  
16 43 to provide the services.
- 16 44 2. The director shall appoint an administrator of  
16 45 the state office who shall serve as the state  
16 46 substitute decision maker. The state substitute  
16 47 decision maker shall be qualified for the position by  
16 48 training and expertise in substitute decision-making  
16 49 law. The state substitute decision maker shall also  
16 50 have knowledge of social services available to meet  
17 1 the needs of persons adjudicated incompetent or in  
17 2 need of substitute decision making.
- 17 3 3. The state office shall do all of the following:

17 4 a. Select persons through a request for proposals  
17 5 process to establish local offices of substitute  
17 6 decision maker in each of the planning and service  
17 7 areas. Local offices shall be established statewide  
17 8 on or before July 1, 2015.  
17 9 b. Monitor and terminate contracts with local  
17 10 offices based on criteria established by rule of the  
17 11 department.  
17 12 c. Retain oversight responsibilities for all local  
17 13 substitute decision makers.  
17 14 d. Act as substitute decision maker if a local  
17 15 office is not available to so act.  
17 16 e. Work with the department of human services, the  
17 17 Iowa department of public health, the governor's  
17 18 developmental disabilities council, and other agencies  
17 19 to establish a referral system for the provision of  
17 20 substitute decision-making services.  
17 21 f. Develop and maintain a current listing of  
17 22 public and private services and programs available to  
17 23 assist wards, principals, clients, personal  
17 24 representatives, and their families and establish and  
17 25 maintain relationships with public and private  
17 26 entities to assure the availability of effective  
17 27 substitute decision-making services for wards,  
17 28 principals, clients, and estates.  
17 29 g. Provide information and referrals to the public  
17 30 regarding substitute decision-making services.  
17 31 h. Provide personal representatives for estates  
17 32 where a person is not available for that purpose.  
17 33 i. Maintain statistical data on the local offices  
17 34 including various methods of funding, the types of  
17 35 services provided, and the demographics of the wards,  
17 36 principals, clients, and decedents and report to the  
17 37 general assembly on or before November 1, annually,  
17 38 regarding the local offices and recommend any  
17 39 appropriate legislative action.  
17 40 j. Develop, in cooperation with the judicial  
17 41 council as established in section 602.1202, a  
17 42 substitute decision-maker education and training  
17 43 program. The program may be offered to both public  
17 44 and private substitute decision makers. The state  
17 45 office shall establish a curriculum committee, which  
17 46 includes but is not limited to probate judges, to  
17 47 develop the education and training program.  
17 48 4. The state office may do any of the following:  
17 49 a. Accept and receive gifts, grants, or donations  
17 50 from any public or private entity in support of the  
18 1 state office.  
18 2 b. Accept the services of individual volunteers  
18 3 and volunteer organizations.  
18 4 c. Employ staff necessary to administer the state  
18 5 office and enter into contracts as necessary.  
18 6 5. The department shall provide administrative  
18 7 support to the state office.  
18 8 6. The department shall adopt rules in accordance  
18 9 with chapter 17A necessary to create and administer  
18 10 the state and local offices, relating to but not  
18 11 limited to all of the following:  
18 12 a. An application and intake process and standards  
18 13 for receipt of substitute decision-making services  
18 14 from the state or a local office.  
18 15 b. A process for the removal or termination of the  
18 16 state or a local substitute decision maker.  
18 17 c. An ideal range of staff-to-client ratios for  
18 18 the state and local substitute decision makers.  
18 19 d. Minimum training and experience requirements  
18 20 for professional staff and volunteers.  
18 21 e. A fee schedule. The department may establish  
18 22 by rule a schedule of reasonable fees for the costs of  
18 23 substitute decision-making services provided under  
18 24 this chapter. The fee schedule established may be  
18 25 based upon the ability of the ward, principal, client,  
18 26 or estate to pay for the services but shall not exceed  
18 27 the actual cost of providing the services. The state  
18 28 office or a local office may waive collection of a fee  
18 29 upon a finding that collection is not economically  
18 30 feasible. The rules may provide that the state office  
18 31 or a local office may investigate the financial status  
18 32 of a ward, principal, or client who, or an estate that  
18 33 requests substitute decision-making services or for  
18 34 whom or which the state or a local substitute decision

18 35 maker has been appointed for the purpose of  
18 36 determining the fee to be charged by requiring the  
18 37 ward, principal, client, or estate to provide any  
18 38 written authorizations necessary to provide access to  
18 39 records of public or private sources, otherwise  
18 40 confidential, needed to evaluate the individual's or  
18 41 estate's financial eligibility. The rules may also  
18 42 provide that the state or a local substitute decision  
18 43 maker may, upon request and without payment of fees  
18 44 otherwise required by law, obtain information  
18 45 necessary to evaluate the individual's or estate's  
18 46 financial eligibility from any office of the state or  
18 47 of a political subdivision or agency of the state that  
18 48 possesses public records. In estate proceedings, the  
18 49 state or local decision maker shall be compensated  
18 50 pursuant to chapter 633, division III, part 8.

19 1 f. Standards and performance measures for  
19 2 evaluation of local offices.

19 3 g. Recordkeeping and accounting procedures to  
19 4 ensure that the state office and local offices  
19 5 maintain confidential, accurate, and up-to-date  
19 6 financial, case, and statistical records. The rules  
19 7 shall require each local office to file with the state  
19 8 office, on an annual basis, an account of all public  
19 9 and private funds received and a report regarding the  
19 10 operations of the local office for the preceding  
19 11 fiscal year.

19 12 h. Procedures for the sharing of records held by  
19 13 the court or a state agency with the state office,  
19 14 which are necessary to evaluate the state office or  
19 15 local offices, to assess the need for additional  
19 16 substitute decision makers, or to develop required  
19 17 reports.

19 18 Sec. \_\_\_\_ NEW SECTION. 231E.5 LOCAL OFFICE OF  
19 19 SUBSTITUTE DECISION MAKER.

19 20 1. The state substitute decision maker shall  
19 21 select persons to provide local substitute decision=  
19 22 making services in each of the planning and service  
19 23 areas, based upon a request for proposals process  
19 24 developed by the department.

19 25 2. The local office shall comply with all  
19 26 requirements established for the local office by the  
19 27 department and shall do all of the following:

19 28 a. Maintain a staff of professionally qualified  
19 29 individuals to carry out the substitute decision=  
19 30 making functions.

19 31 b. Identify client needs and local resources to  
19 32 provide necessary support services to recipients of  
19 33 substitute decision-making services.

19 34 c. Collect program data as required by the state  
19 35 office.

19 36 d. Meet standards established for the local  
19 37 office.

19 38 e. Comply with minimum staffing requirements and  
19 39 caseload restrictions.

19 40 f. Conduct background checks on employees and  
19 41 volunteers.

19 42 g. With regard to a proposed ward, the local  
19 43 office shall do all of the following:

19 44 (1) Determine the most appropriate form of  
19 45 substitute decision making needed, if any, giving  
19 46 preference to the least restrictive alternative.

19 47 (2) Determine whether the needs of the proposed  
19 48 ward require the appointment of guardian or  
19 49 conservator.

19 50 (3) Assess the financial resources of the proposed  
20 1 ward based on the information supplied to the local  
20 2 office at the time of the determination.

20 3 (4) Inquire and, if appropriate, search to  
20 4 determine whether any other person may be willing and  
20 5 able to serve as the proposed ward's guardian or  
20 6 conservator.

20 7 (5) Determine the form of guardianship or  
20 8 conservatorship to request of a court, if any, giving  
20 9 preference to the least restrictive form.

20 10 (6) If determined necessary, file a petition for  
20 11 the appointment of a guardian or conservator pursuant  
20 12 to chapter 633.

20 13 h. With regard to an estate, the local office may  
20 14 appoint a personal representative to file a petition  
20 15 to open an estate who shall do all of the following:

20 16 (1) Retain legal counsel as described in section  
20 17 231E.11 to be compensated from the proceeds of the  
20 18 estate pursuant to chapter 633, division III, part 8.  
20 19 (2) Liquidate all assets of the estate.  
20 20 (3) Distribute the assets of the estate pursuant  
20 21 to chapter 633, division VII, parts 7 and 8, and other  
20 22 applicable provisions of law.  
20 23 3. A local office may do any of the following:  
20 24 a. Contract for or arrange for provision of  
20 25 services necessary to carry out the duties of a local  
20 26 substitute decision maker.  
20 27 b. Accept the services of volunteers or  
20 28 consultants and reimburse them for necessary expenses.  
20 29 c. Employ staff and delegate to members of the  
20 30 staff the powers and duties of the local substitute  
20 31 decision maker. However, the local office shall  
20 32 retain responsibility for the proper performance of  
20 33 the delegated powers and duties. All delegations  
20 34 shall be to persons who meet the eligibility  
20 35 requirements of the specific type of substitute  
20 36 decision maker.  
20 37 4. An individual acting as the state or a local  
20 38 substitute decision maker shall comply with applicable  
20 39 requirements for guardians, conservators, or personal  
20 40 representatives pursuant to chapter 633, attorneys in  
20 41 fact under a power of attorney pursuant to chapter 633  
20 42 or a durable power of attorney for health care  
20 43 pursuant to chapter 144B, or representative payees  
20 44 pursuant to federal law and regulations.  
20 45 5. Notwithstanding any provision to the contrary,  
20 46 an individual acting as the state or a local  
20 47 substitute decision maker shall not be subject to the  
20 48 posting of a bond pursuant to chapter 633. An  
20 49 individual acting as the state or a local substitute  
20 50 decision maker shall complete at least eight hours of  
21 1 training annually as certified by the department.  
21 2 Sec. \_\_\_\_\_. NEW SECTION. 231E.6 COURT=INITIATED OR  
21 3 PETITION=INITIATED APPOINTMENT OF STATE OR LOCAL  
21 4 SUBSTITUTE DECISION MAKER == GUARDIANSHIP OR  
21 5 CONSERVATORSHIP == DISCHARGE.  
21 6 The court may appoint on its own motion or upon  
21 7 petition of any person, the state office or local  
21 8 office of substitute decision maker, to serve as  
21 9 guardian or conservator for any proposed ward in cases  
21 10 in which the court determines that the proceeding will  
21 11 establish the least restrictive form of substitute  
21 12 decision making suitable for the proposed ward and if  
21 13 the proposed ward meets all of the following criteria:  
21 14 1. Is a resident of the planning and service area  
21 15 in which the local office is located from which  
21 16 services would be provided or is a resident of the  
21 17 state, if the state office would provide the services.  
21 18 2. Is eighteen years of age or older.  
21 19 3. Does not have suitable family or another  
21 20 appropriate entity willing and able to serve as  
21 21 guardian or conservator.  
21 22 4. Is incompetent.  
21 23 5. Is an individual for whom guardianship or  
21 24 conservatorship services are the least restrictive  
21 25 means of meeting the individual's needs.  
21 26 Sec. \_\_\_\_\_. NEW SECTION. 231E.7 SUBSTITUTE  
21 27 DECISION MAKER=INITIATED APPOINTMENT.  
21 28 The state office or local office may on its own  
21 29 motion or at the request of the court intervene in a  
21 30 guardianship or conservatorship proceeding if the  
21 31 state office or local office or the court considers  
21 32 the intervention to be justified because of any of the  
21 33 following:  
21 34 1. An appointed guardian or conservator is not  
21 35 fulfilling prescribed duties or is subject to removal  
21 36 under section 633.65.  
21 37 2. A willing and qualified guardian or conservator  
21 38 is not available.  
21 39 3. The best interests of the ward require the  
21 40 intervention.  
21 41 Sec. \_\_\_\_\_. NEW SECTION. 231E.8 PROVISIONS  
21 42 APPLICABLE TO ALL APPOINTMENTS AND DESIGNATIONS ==  
21 43 DISCHARGE.  
21 44 1. The court shall only appoint or intervene on  
21 45 its own motion or act upon the petition of any person  
21 46 under section 231E.6 or 231E.7 if such appointment or



21 47 intervention would comply with staffing ratios  
21 48 established by the department and if sufficient  
21 49 resources are available to the state office or local  
21 50 office. Notice of the proposed appointment shall be  
22 1 provided to the state office or local office prior to  
22 2 the granting of such appointment.

22 3 2. The state office or local office shall maintain  
22 4 reasonable personal contact with each ward, principal,  
22 5 or client for whom the state office or local office is  
22 6 appointed or designated in order to monitor the  
22 7 ward's, principal's, or client's care and progress.  
22 8 For any estates in which the state office or local  
22 9 office is involved, the state office or local office  
22 10 shall move estate proceedings forward in a reasonable  
22 11 and expeditious manner and shall monitor the progress  
22 12 of any legal counsel retained on a regular basis.

22 13 3. Notwithstanding any provision of law to the  
22 14 contrary, the state office or local office appointed  
22 15 by the court or designated under a power of attorney  
22 16 document may access all confidential records  
22 17 concerning the ward or principal for whom the state  
22 18 office or local office is appointed or designated,  
22 19 including medical records and abuse reports.

22 20 4. In any proceeding in which the state or local  
22 21 office is appointed or is acting as guardian or  
22 22 conservator, the court shall waive court costs or  
22 23 filing fees, if the state office or local office  
22 24 certifies to the court that the state office or local  
22 25 office has waived its fees in their entirety based  
22 26 upon the ability of the ward to pay for the services  
22 27 of the state office or local office. In any estate  
22 28 proceeding, the court costs shall be paid in  
22 29 accordance with chapter 633, division VII, part 7.

22 30 5. The state or a local substitute decision maker  
22 31 shall be subject to discharge or removal, by the  
22 32 court, on the grounds and in the manner in which other  
22 33 guardians, conservators, or personal representatives  
22 34 are discharged or removed pursuant to chapter 633.

22 35 Sec. \_\_\_\_\_. NEW SECTION. 231E.9 FEES ==  
22 36 APPROPRIATED.

22 37 Fees received by the state office and by local  
22 38 offices for services provided as state or local  
22 39 substitute decision maker shall be deposited in the  
22 40 general fund of the state and the amounts received are  
22 41 appropriated to the department for the purposes of  
22 42 administering this chapter.

22 43 Sec. \_\_\_\_\_. NEW SECTION. 231E.10 CONFLICTS OF  
22 44 INTEREST == LIMITATIONS.

22 45 Notwithstanding section 633.63 or any other  
22 46 provision to the contrary, a local substitute decision  
22 47 maker shall not provide direct services to or have an  
22 48 actual or the appearance of any conflict of interest  
22 49 relating to any individual for whom the local  
22 50 substitute decision maker acts in a substitute  
23 1 decision-making capacity unless such provision of  
23 2 direct services or the appearance of a conflict of  
23 3 interest is approved and monitored by the state office  
23 4 in accordance with rules adopted by the department.

23 5 Sec. \_\_\_\_\_. NEW SECTION. 231E.11 DUTY OF ATTORNEY  
23 6 GENERAL, COUNTY ATTORNEY, OR OTHER COUNSEL.

23 7 1. The attorney general shall advise the state  
23 8 office on legal matters and represent the state office  
23 9 in legal proceedings.

23 10 2. Upon the request of the attorney general, a  
23 11 county attorney may represent the state office or a  
23 12 local office in connection with the filing of a  
23 13 petition for appointment as guardian or conservator  
23 14 and with routine, subsequent appearances.

23 15 3. A local attorney experienced in probate matters  
23 16 may represent the personal representative for all  
23 17 routine matters associated with probating an estate.

23 18 Sec. \_\_\_\_\_. NEW SECTION. 231E.12 LIABILITY.

23 19 All employees and volunteers of the state office  
23 20 and local offices operating under this chapter and  
23 21 other applicable chapters and pursuant to rules  
23 22 adopted under this and other applicable chapters are  
23 23 considered employees of the state and state volunteers  
23 24 for the purposes of chapter 669 and shall be afforded  
23 25 protection under section 669.21 or 669.24, as  
23 26 applicable. This section does not relieve a guardian  
23 27 or conservator from performing duties prescribed under

23 28 chapter 633.  
23 29 Sec. \_\_\_\_\_. NEW SECTION. 231E.13 IMPLEMENTATION.  
23 30 Implementation of this chapter is subject to  
23 31 availability of funding as determined by the  
23 32 department. The department shall notify the Code  
23 33 editor upon implementation of this chapter.  
23 34 Sec. \_\_\_\_\_. Section 235B.6, subsection 2, paragraph  
23 35 e, Code 2005, is amended by adding the following new  
23 36 subparagraph:  
23 37 NEW SUBPARAGRAPH. (11) The state office or a  
23 38 local office of substitute decision maker as defined  
23 39 in section 231E.3, appointed by the court as a  
23 40 guardian or conservator of the adult named in a report  
23 41 as the victim of abuse or the person designated to be  
23 42 responsible for performing or obtaining protective  
23 43 services on behalf of a dependent adult pursuant to  
23 44 section 235B.18.  
23 45 Sec. \_\_\_\_\_. Section 633.63, subsection 3, Code 2005,  
23 46 is amended to read as follows:  
23 47 3. A private nonprofit corporation organized under  
23 48 chapter 504, Code 1989, or current chapter 504 or 504A  
23 49 is qualified to act as a guardian, as defined in  
23 50 section 633.3, ~~subsection 20, or a conservator, as~~  
24 1 defined in section 633.3, ~~subsection 7, where the~~  
~~24 2 assets subject to the conservatorship at the time when~~  
~~24 3 such corporation is appointed conservator are less~~  
~~24 4 than or equal to seventy-five thousand dollars and if~~  
24 5 the corporation does not possess a proprietary or  
24 6 legal interest in an organization which provides  
24 7 direct services to the individual.  
24 8 Sec. \_\_\_\_\_. Section 633.63, Code 2005, is amended by  
24 9 adding the following new subsection:  
24 10 NEW SUBSECTION. 4. The state or a local  
24 11 substitute decision maker as defined in section 231E.3  
24 12 is authorized to act in a fiduciary capacity in this  
24 13 state in accordance with chapter 231E.>  
24 14 ~~#strike>~~\_\_\_\_. Page 86, by inserting before line 14, the  
24 15 following:  
24 16 <DIVISION \_\_\_\_  
24 17 LONG-TERM LIVING SYSTEM  
24 18 Sec. \_\_\_\_\_. NEW SECTION. 231F.1 INTENT FOR IOWA'S  
24 19 LONG-TERM LIVING SYSTEM.  
24 20 1. The general assembly finds and declares that  
24 21 the intent for Iowa's long-term living system is to  
24 22 ensure all Iowans access to an extensive range of  
24 23 high-quality, affordable, and cost-effective long-  
24 24 term living options that maximize independence,  
24 25 choice, and dignity for consumers.  
24 26 2. The long-term living system should be  
24 27 comprehensive, offering multiple services and support  
24 28 in home, community-based, and facility-based settings;  
24 29 should utilize a uniform assessment process to ensure  
24 30 that such services and support are delivered in the  
24 31 most integrated and life-enhancing setting; and should  
24 32 ensure that such services and support are provided by  
24 33 a well-trained, motivated workforce.  
24 34 3. The long-term living system should exist in a  
24 35 regulatory climate that appropriately ensures the  
24 36 health, safety, and welfare of consumers, while not  
24 37 being overly restrictive or inflexible.  
24 38 4. The long-term living system should sustain  
24 39 existing informal care systems including family,  
24 40 friends, volunteers, and community resources; should  
24 41 encourage innovation through the use of technology and  
24 42 new delivery and financing models, including housing;  
24 43 should provide incentives to consumers for private  
24 44 financing of long-term living services and support;  
24 45 and should allow Iowans to live independently as long  
24 46 as they desire.  
24 47 5. Information regarding all components of the  
24 48 long-term living system should be effectively  
24 49 communicated to all persons potentially impacted by  
24 50 the need for long-term living services and support in  
25 1 order to empower consumers to plan, evaluate, and make  
25 2 decisions about how best to meet their own long-term  
25 3 living needs.>  
25 4 ~~#strike>~~\_\_\_\_. By striking page 86, line 14, through page  
25 5 88, line 12.>>  
25 6 #2. By renumbering, relettering, or redesignating  
25 7 and correcting internal references as necessary.  
25 8 HF 825.H

